

PARTIES

1. Shelton admits that NYLIAC is a corporation but can neither admit nor deny the remainder of the statements made in paragraph 1 of the Complaint in Interpleader.
2. Shelton admits there is a document titled “Barbara Brown Family Trust” DTD 3/12/2010 but denies the validity of such an alleged trust.
3. Shelton admits there is a document titled “Barbara Jean Brown Living Trust” DTD 3/12/2010 but denies the validity of such an alleged trust.
4. Shelton admits that Sharon Kay Britton is an adult citizen of North Carolina and domiciled in North Carolina. Shelton admits that she is the purported co-trustee of the “Barbara Brown Family Trust” DTD 3/12/2010 but denies the validity of such an alleged trust.
5. Shelton admits that Ken Britton is an adult citizen of North Carolina and domiciled in North Carolina. Shelton admits he is the purported co-trustee of the “Barbara Brown Family Trust” DTD 3/12/2010 but denies the validity of such an alleged trust.
6. Shelton admits that there is a valid trust called the “Barbara Jean Brown Living Trust LTD 5/29/2018” but asserts it was formed in the State of Texas and not in the State of Arkansas.
7. Shelton admits the statements in paragraph 7 of the Complaint in Interpleader.

JURISDICTION AND VENUE

8. Shelton is not in possession of sufficient facts to either admit nor deny the statements in paragraph 8 of the Complaint in Interpleader.
9. Shelton denies the statements in paragraph 9 of the Complaint in Interpleader.
10. Shelton admits that assuming, *arguendo*, this Honorable Court has jurisdiction, then venue is proper in this federal district

FACTS

11. Shelton denies the statements in paragraph 11 of the Complaint in Interpleader to the extent that they can be interpreted in any manner to assert that anyone other than Bob Shelton, as Trustee of Barbara Jean Brown Living Trust DTD 5/29/2018 is the rightful recipient of the proceeds from the Lifetime Income Annuity.

12. Shelton denies the statements in paragraph 12 of the Complaint in Interpleader to the extent that they can be interpreted in any manner to assert that anyone other than Bob Shelton, as Trustee of Barbara Jean Brown Living Trust DTD 5/29/2018 is the rightful recipient of the proceeds from the Lifetime Income Annuity.

13. Shelton denies the statements in paragraph 13 of the Complaint in Interpleader to the extent that they can be interpreted in any manner to assert that anyone other than Bob Shelton, as Trustee of Barbara Jean Brown Living Trust DTD 5/29/2018 is the rightful recipient of the proceeds from the Lifetime Income Annuity.

14. Shelton denies the statements in paragraph 14 of the Complaint in Interpleader to the extent that they can be interpreted in any manner to assert that anyone other than Bob Shelton, as Trustee of Barbara Jean Brown Living Trust DTD 5/29/2018 is the rightful recipient of the proceeds from the Lifetime Income Annuity.

15. Shelton denies the statements in paragraph 15 of the Complaint in Interpleader to the extent that they can be interpreted in any manner to assert that anyone other than Bob Shelton, as Trustee of Barbara Jean Brown Living Trust DTD 5/29/2018 is the rightful recipient of the proceeds from the Lifetime Income Annuity.

16. Shelton denies the statements in paragraph 16 of the Complaint in Interpleader to the extent that they can be interpreted in any manner to assert that anyone other than Bob Shelton, as Trustee of Barbara Jean Brown Living Trust DTD 5/29/2018 is the rightful recipient of the proceeds from the Lifetime Income Annuity.

17. Shelton admits the statements in paragraph 17 of the Complaint in Interpleader.

18. Shelton admits the statements in paragraph 18 of the Complaint in Interpleader.

19. Shelton admits the statements in paragraph 19 of the Complaint in Interpleader.

20. Shelton admits the statements in paragraph 20 of the Complaint in Interpleader.

21. Shelton can neither admit nor deny the statements in paragraph 21 of the Complaint in Interpleader.

22. Shelton can neither admit nor deny the statements in paragraph 22 of the Complaint in Interpleader.

23. Shelton admits the statements in paragraph 23 of the Complaint in Interpleader.

24. Shelton admits that this Honorable Court has entered an Order dated May 4, 2021 (ECF 13) granting NYLIAC's Motion to Deposit Funds in the Registry of the Court (ECF 12) and that NYLIAC is to deposit \$14,058.25, plus interest (under Policy XXXXX460) and \$33,187.56, plus interest (under Policy XXXXX198) into the registry of the Court. The Clerk is directed to hold these funds in the registry of the Court.

25. Shelton can neither admit nor deny the statements in paragraph 25 of the Complaint in Interpleader.

26. Shelton can neither admit nor deny the statements in paragraph 26 of the Complaint in Interpleader.

PRAYER

27. Shelton prays that this Honorable Court award him, as Trustee of the Barbara Jean Brown Living Trust DTD 5/29/2018, all proceeds deposited into the registry of the Court as well as all costs, interest, attorneys fees, and any other manner of relief to which Shelton may be justly entitled.

Respectfully submitted,

/s/ Harvey G. Joseph
HARVEY G. JOSEPH
State Bar No. 11027850
LAW OFFICES OF HARVEY G. JOSEPH
P.O. Box 810485
Dallas, Texas 75381-0485
(214) 769-6078 (telephone)
(214) 426-1246 (facsimile)
hjoseph197@aol.com

**ATTORNEY FOR BOB SHELTON, AS TRUSTEE OF
BARBARA JEAN BROWN LIVING TRUST DTD
5/29/2018**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this, the 10th day of May, 2021, the foregoing document was electronically submitted to the Clerk of Court for the U.S. District Court, Northern District of Texas, using the electronic case files system of the Court. The electronic case files system sent a "Notice of Electronic Filing" to the following individual who has consented in writing to accept this Notice as service of this document by electronic means:

Ms. Linda G. Moore
ESTES THORNE & CARR PLLC
3811 Turtle Creek Blvd. Suite 2000
Dallas, Texas 75219

✓ Via ECF
____ Via Certified Mail, RRE
____ Via Facsimile
____ Via Regular Mail

/s/ Harvey G. Joseph
HARVEY G. JOSEPH